## REMARKS

This application has been carefully reviewed in view of the above Office Action. Applicants appreciate the indication that objections to the drawings, specification and claims have been fully addressed. Applicants further appreciate indication that the double patenting rejection has been withdrawn. Reconsideration is requested in view of the following:

### Interview

Applicants appreciate the courtesies extended at the personal interview held on May 2, 2005 as documented by Primary Examiner Thompson. During such interview, it was agreed that the finality of the rejection was premature and as a result, the present Office Action has been presented.

### The Microsoft Mail Reference

Applicants wish to note that the premature final rejection issued on 4/4/2005 indicates that the arguments presented regarding the MS Mail references on page 13-14 of the response filed November 26, 2004 were found to be persuasive (section 8, page 2). The prior remarks regarding this reference are therefore incorporated by reference and are presumed persuasive.

While Microsoft Mail depicts an attach button, the function of that button as understood by Applicants is that it provides for attaching a file that is designated in some manner in a subsequent step after the button is clicked. If this understanding is incorrect, the undersigned respectfully submits that it is the Examiner's burden to establish such with actual evidence as to the actual operation of Microsoft Mail in a manner contrary to that described above.

This is in contrast to the claimed feature where an attachment is designated in advance as a default attachment. In one embodiment, the default is always attached, while in others, the default is attached as when the user designates it to be attached with a single instruction.

S/N 09/838,983

-11-

## The Kelly Reference

To briefly summarize, the Kelly reference describes use of an API printer driver-like program. A user can create a file from any of a number of applications, and then invoke a "print" command. The print command presents the user with printer options from which the API printer driver-like program is invoked. In one embodiment, the API printer driver-like program actually invokes an email application. Thus, after creation of a document or other file, the user is able to email a representation of the file (e.g., a bitmap image) to a recipient. It is not so clear how the Kelly reference can be used to send a music sample. It is presumed that from a program that interacts with the music sample, one would invoke a print command (although a print command does not appear logical from such a program) and from the print command, the email application could be invoked.

Hence, according to the Examiner's interpretation of Kelly as best understood, one first must select a music clip file, and then invoke a print command to invoke an email program. This is quite distinct from that which is claimed, wherein an email program has an associated default attachment that is either sent with every email or sent upon receipt of a single instruction.


## The Obviousness Rejections

Claims 1, 2, 8-10, 17, 18, 24, 25, 32, 36, 37, 42, 43 and 48 were rejected as obvious in view of the combination of Microsoft mail and Kelly.

Regarding the rejection to claim 1 based upon Microsoft Mail and Kelly, claim 1 has been amended to further call out establishment of the audio sample as the default audio sample for an email application. Moreover, the claim has been further amended to assure that it is clear that attachment of the default audio sample occurs from within the email application, as was further discussed during the interview noted above. As noted above, Kelly teaches invoking a print command from a file which leads to invoking an email program and attaches the file.


S/N 09/838,983

The Office Action asserts that *"Kelly teaches automatically attaching a file to an email message (Kelly, col. 5, lines 12-19)"*. However, it is submitted that the reverse actually happens. In fact, Kelly teaches invoking an email application from a file that is to become the attachment! This is quite different than the claim (original or as amended) since the claim calls for *"within the email application program, receiving a single command from the sender to attach the predefined default audio sample; and responsive to the sender's command within the email application program to attach the predefined default audio sample, attaching the predefined audio sample to the electronic mail message"* (as amended).

Thus as shown in claim 1, the default email attachment is the same once the default is established, and the email application attaches the default attachment on command. In Kelly, a file that is to become an attachment is the point of origin for invoking the email application via a print command. Thus, the concept of a default attachment for use in an email application does not exist since one has to select a file every time before one can invoke the print command as taught in Kelly.

Regarding the MS Mail reference, as previously noted and agreed by the Examiner to be persuasive, the attach process does not constitute *"a single command"* as required by the claim.

Thus, it is submitted that the combination of MS Mail and Kelly fail to teach the concept of invoking a single command from within an email application program to effect attachment of a default music sample attachment. Accordingly, claim 1 and all claims dependent therefrom are believed clearly allowable and such is respectfully requested.

Specifically regarding independent claim 9, the arguments as presented above are generally applicable. Claim 9 as amended calls for *"automatically attaching the predefined default sample to each electronic mail message generated by the sender"*. The difference is that in claim 9, the user does not invoke an attach command. The default audio sample is attached to each email sent using the email program. The claim has been clarified to assure that it is understood that this occurs from within the email

application program. Accordingly, claim 9 and the claims dependent therefrom (claims 10-16) are believed clearly allowable.

Regarding independent claim 17, the above arguments relative to claim 1 are equally applicable to this claim as amended.

Regarding amended claims 24, the above arguments relative to claim 9 are equally applicable to this claim as amended.

Regarding amended independent claim 36, the above arguments relative to claim 1 are equally applicable to this claim as amended.

Regarding amended claim 42 the above arguments relative to claim 9 are equally applicable to this claim as amended.

Regarding amended claim 48, this claim is dependent upon claim 47, which is not rejected based upon the same combination, as best the undersigned can determine. Hence, the rejection is believed improper since the independent claim 47 is deemed rejected based upon three references. Clarification is requested in a subsequent non-final action if this rejection is maintained.

It is further noted that the Office Action submits that the motivation for modification of Microsoft Mail with Kelly is to facilitate sending email attachments. However, while both references enable email attachments, neither of the references teach or suggest any desirability or motivation for attaching default attachments. Such teaching is only present in Applicants' specification. Moreover, the mode of operation of both Kelly and Microsoft Mail is explicitly such that a default email attachment is not provided for. If the motivation can be found in Kelly, it is respectfully submitted that Kelly should have provided that function, but did not and did not approach the problem in any manner conducive to a default email attachment as claimed, since the email is invoked from a print command. Hence, reconsideration is respectfully requested.

The rejected dependent claims noted above are believed in condition for allowance for the same reasons noted above regarding the parent independent claims. Additional distinctions also exist, but discussion of such distinctions is believed unnecessary in view of the above remarks and amendments.

S/N 09/838,983

Claims 3, 5, 6, 11, 13, 14, 16, 19, 21, 22, 26, 28, 29, 31, 33-35, 38-40, 44-47 and 49-51 were rejected based upon the combination of Microsoft Mail, Kelly and Fritsch. The combination of Kelly and Microsoft Mail has been addressed above, and those remarks are equally applicable. It is respectfully submitted that the Fritsch reference is devoted to a mechanism for the customer to purchase goods from a web site. Col. 1, lines 24-26 is indicative that users can find goods on the Internet, while Col. 4, lines 58-60 involves a customer listening to a clip of music. In both cases, the potential customer has already apparently navigated to a web site for the purpose of purchasing or browsing (which may lead to a purchase). In each instance, there is no teaching or suggestion that the user should be led to that web site by a link forming part of an email attachment as is claimed. While Fritsch is clearly involved in Internet commerce of music, there is no motivation in Fritsch or the other art of record to steer potential customers to his web site in the manner taught and claimed by Applicants. Reconsideration is respectfully requested.

Specifically regarding independent claim 47, the above remarks regarding the combination of Microsoft Mail, Kelly and Fritsch are equally applicable. Moreover, claim 47 calls for an enterprise server that receives email messages that are sent from attached computers and attaches default audio samples to the email messages. None of the cited references teach such actions taking place in an enterprise mail server after an email is sent. Similar comments can be made regarding claim 31.

Claims 4, 7, 12, 15, 20, 23, 27 and 30 were rejected based upon the combination of Microsoft Mail, Kelly, Fritsch and Kang. The combination of Kelly, Microsoft Mail and Fritsch has been addressed above, and those remarks are equally applicable.

Kang is used in this rejection for teachings relating to affinity credit. However, in view of the clear failures of the remaining references to teach or suggest the claim features as discussed above, the additional teachings of Kang are believed to be inadequate to obviate the presently rejected claims. Accordingly, it is submitted that the combination fails to obviate the present claims for the reasons discussed above.

S/N 09/838,983

## Concluding Remarks

The undersigned additionally notes that numerous other distinctions exist between the cited references and the invention as claimed. In particular, the dependent claim features have not been discussed extensively. However, in view of the clear deficiencies in the art as pointed out above, further discussion of these distinctions is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position.

The amendments presented herein are presented in view of the Examiner's concerns regarding the clarity of the term "default" and as a result of discussions in the above interview in which various amendments for clarifying the claimed subject matter were discussed. Paraphrasing of actual claim language is used herein as a way to more clearly explain of the claim language, but is not intended to be further limiting on the actual language. Should the Examiner feel that the explanations are not in line with the claim language, per se, the undersigned would appreciate the opportunity to discuss appropriate amendments that correct the claim language.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. Should the Examiner feel that further issues remain to be addressed, the undersigned respectfully requests the courtesy of a telephone interview to assure that the current rejections and arguments are clear prior to issuance of a further Office Action. The undersigned can be reached at the telephone number below.

Respectfully submitted,

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S/N 09/838,983

-16-

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S/N 09/838,983